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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,291	12/14/2001	Samuel J. McKelvie	3399P071	2854

26529 7590 03/10/2006

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EXAMINER

EL CHANTI, HUSSEIN A

ART UNIT PAPER NUMBER

2157

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/022,291

Applicant(s)

MCKELVIE ET AL.

Examiner

Hussein A. El-chanti

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,6-33,41 and 44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6-33,41 and 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>#9/05</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to amendment received on Dec. 15, 2005. Claims 1, 6-33, 41 and 44 were elected without traverse. The restriction is made **final**.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 6-15, 17-33 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Porter, U.S. Patent No. 6,434,599.

As to claim 1, Porter teaches a computer-implemented apparatus for use by a plurality of users using a plurality of user devices, the apparatus comprising a plurality of agents of a plurality of different types to communicate with each other, at least some of the agents representing physical entities, the plurality of agents including:

a plurality of device agents, each representing one of the plurality of user devices (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

a plurality of persona agents, each representing one of the plurality of users (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

wherein the plurality of persona agents collect information about the properties of other agents, including the device agents, and route the collected information to one or more other agents which subscribe to the properties (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 8 lines 45).

As to claim 6, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the device agents communicate with each other through one or more of the persona agents (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 7, Porter teaches a computer-implemented apparatus as recited in claim 6, wherein each of the plurality of agents has a set of properties to maintain state information (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 8, Porter teaches a computer-implemented apparatus as recited in claim 7, wherein the plurality of user devices comprises a wireless device, the wireless device comprising an embedded client application configured to receive and interpret extensible markup language data representing changes to said state information (see col. 4 lines 51-col. 5 lines 21 and col. 7 lines 45-col. 8 lines 51).

As to claim 9, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein at least one of the device agents represents a wireless user device that has an intermittent connection to the other user devices, wherein said device agent has a set of subscriptions and maintains state information for the set of subscriptions, and wherein said device agent communicates with a corresponding one of the persona

agents to update said state information (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 10, Porter teaches a computer-implemented apparatus as recited in claim 9, wherein said corresponding one of the persona agents automatically publishes to said device agent state information to which the device agent has subscribed, when the user device represented by said device agent establishes the connection (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 11, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the plurality of agents use a data synchronization process to update state information (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 44, Porter teaches a computer-implemented apparatus as recited in claim 9, wherein the state information comprises device presence or location information (see col. 4 lines 51-col. 5 lines 21).

As to claim 12, Porter teaches a computer-implemented apparatus as recited in claim 11, wherein at least some of the agents cache state information received from another agent (see col. 4 lines 51-col. 5 lines 21 and col. 7 lines 45-col. 8 lines 51).

As to claim 13, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the plurality of agents comprises a chat agent to represent a chat session.

As to claim 14, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the plurality of user devices comprises a computer coupled to a wireline network and a mobile device operating on a wireless network, the computer and the mobile device each represented by a separate one of the agents (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 48).

As to claim 15, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the agents communicate with each other using an extensible data interchange protocol (see col. 4 lines 51-col. 5 lines 21).

As to claim 17, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein a change to a property of one of the agents is automatically published to an agent which has subscribed to the property of said one of the agents (see col. 6 lines 63-col. 8 lines 51).

As to claim 18, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein at least some of the agents can set properties of other ones of the agents (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 19, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein for at least one of the agents, a user associated with said agent can control which agents may subscribe to properties of said agent (see col. 4 lines 51-col. 5 lines 21).

As to claim 20, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein for at least one of the agents, a user associated with said agent can

specify the properties of said agent to which other agents may subscribe (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 21, Porter teaches a computer-implemented apparatus as recited in claim 20, wherein the user associated with said agent can specify the properties of said agent to which other agents may subscribe on a per-subscriber basis (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 22, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the plurality of agents further comprises an interoperability agent to connect the messaging system with another messaging system (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 23, Porter teaches a computer-implemented apparatus as recited in claim 22, wherein the interoperability agent converts between an extensible data interchange protocol used by the plurality of agents and another protocol used by said other messaging system (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 24, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the apparatus embodies a messaging application (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 25, Porter teaches a computer-implemented apparatus as recited in claim 24, wherein the messaging application comprises a user-to-user messaging application (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 26, Porter teaches a computer-implemented apparatus as recited in claim 25, wherein the user-to-user messaging application is an Instant Messaging (IM) application (see col. 6 lines 63-col. 7 lines 45).

As to claim 27, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the apparatus embodies a content distribution application (see col. 4 lines 51-col. 5 lines 21).

As to claim 28, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the apparatus embodies a game application (see col. 6 lines 63-col. 7 lines 45).

As to claim 29, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the apparatus embodies a user collaboration application (see col. 4 lines 51-col. 5 lines 21 and col. 7 lines 45-col. 8 lines 51).

As to claim 30, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the apparatus embodies a call setup application (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

As to claim 31, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the apparatus embodies a provisioning application (see col. 4 lines 51-col. 5 lines 21).



As to claim 32, Porter teaches a computer-implemented apparatus as recited in claim 1, wherein the apparatus embodies an alerting/notification application (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16, 37 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Porter.

As to claims 16 and 41, Porter teaches a user-to-user messaging system comprising: a chat agent to represent a user-to-user messaging session; a plurality of agents to communicate messages between a plurality of users in real time by using a language document synchronization model, each of the agents having one or more properties defined in and having the ability to subscribe to properties of other agents of the plurality of agents, wherein the plurality of agents communicate with each other using an based messaging protocol, the plurality of agents including a plurality of device agents, one for each of a plurality of user devices used by the plurality of users, the plurality of user devices including a computer coupled to a wireline network and a mobile device operating on a wireless network; and a plurality of persona agents

residing in an agent system coupled to the wireless network and to the wireline network, one persona agent for each of the users, to collect information about the properties of other agents, including the device agents, and to publish the collected information to one or more other agents which subscribe to the properties, wherein each of the persona agents comprises a set of properties to maintain state information for each user device used by the user associated with said persona agent (see col. 4 lines 51-col. 5 lines 21 and col. 6 lines 63-col. 7 lines 45).

Porter does not explicitly teach the language is XML. Official Notice is taken as evident by Microsoft Computer Dictionary 5<sup>th</sup> Edition that it would have been obvious for one of the ordinary skill in the art at the time of the invention to implement Porter's messaging system using XML because doing so would provide greater flexibility in organizing and presenting information.

#### ***Response to Arguments***

4. Applicant's arguments have been fully considered but are not persuasive.

Applicant argues in substance that Porter does not disclose plurality of persona agents collect information about the properties of other agents, including the device agents, and route the collected information to one or more other agents which subscribe to the properties.

In response, Porter teaches a system and method for initiating chat sessions between users using registration information posted by a client on an information site (see abstract). Porter teaches the clients are capable of registering the client properties and client's interests on an information site "agent", where the information site is

capable of searching other information sites "other agents" to find matches with the client selected properties (see col. 7 lines 47-col. 8 lines 51). Upon a client sending an "initiate request" to the chat session manager, the chat session manager collects the information from the client information site and polls other user information sites "other agents" and presents the client information to other users "route the collected information to one or more other agents" (see col. 8 lines 23-51). Therefore Porter's teaching of information sites and chat session manager with the search capability meets the scope of the claimed limitation "plurality of persona agents collect information about the properties of other agents, including the device agents, and route the collected information to one or more other agents which subscribe to the properties".

**5. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2157

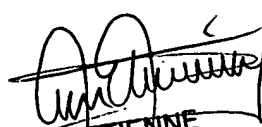
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A. El-chanti whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hussein El-chanti

Feb. 22, 2006

  
ARIO ETIENNE  
PRIMARY EXAMINER